


2:18-CV-1408-DWA

As set forth in Federal Rule of Civil Procedure 4, a summons must be served with a copy of the complaint and the “plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m).” Fed. R. Civ. P. 4(c). Federal Rule of Civil Procedure 4(m) establishes a 90-day time limit for service of a summons and complaint. The Rule states that “[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on

its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Here, well over 90 days have passed since the Complaint was filed, and there still is no indication on the docket or otherwise that a summons was issued or that the Complaint and summons were ever served. Accordingly, in accordance with Rule 4(m), the following ORDER is entered:

AND NOW, this 13th day of May, 2019, it is hereby ORDERED that this case is DISMISSED WITHOUT PREJUDICE. The Clerk is directed to mark this case CLOSED.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", written in a cursive style.

Donetta W. Ambrose
United States Senior District Judge